

**BEFORE THE BOARD OF DENTAL EXAMINERS  
OF THE STATE OF IOWA**

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**IN THE MATTER OF:** )

**MICHAEL D. WARM, D.D.S.** )  
**1160 3<sup>rd</sup> Street** )  
**Lake View, IA 51450** )

**NOTICE OF HEARING**

**License #7038** )

**Respondent** )

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You are hereby notified that on February 1, 2002, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

**IT IS HEREBY ORDERED** that a disciplinary contested case hearing be held upon the Statement of Charges on April 17, 2002, before the full Board or a panel of the Board. The hearing shall begin at 9:00 p.m. and shall be located in the 1<sup>st</sup> Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8<sup>th</sup> Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an

Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

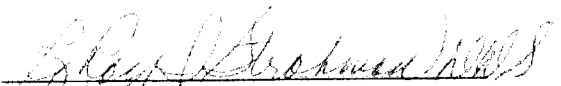
The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, IA 50319  
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code 51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 1st day of February, 2001.

  
LEROI I. STROHMAN, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

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<b>MICHAEL D. WARM, D.D.S.</b>	)	
<b>1160 3<sup>rd</sup> Street</b>	)	
<b>Lake View, IA 51450</b>	)	<b>STATEMENT OF CHARGES</b>
<b>License #7038</b>	)	
<b>Respondent</b>	)	

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
- 2) On November 13, 1984, Michael D. Warm, D.D.S., the Respondent, was issued license number 7038 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
- 3) License number is current and on active status until June 30, 2002.

**COUNT I**

The Respondent is charged with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, in violation of Iowa Code Section 153.34 (9) (2001) and 650 Iowa Administrative Code Section 30.4(16).

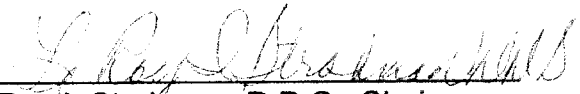
## **THE CIRCUMSTANCES**

1. The Board reviewed numerous patient records from Respondent's dental office in May of 2000 and determined that Respondent's record keeping practices were not up to the standard of care. The Board issued Respondent a confidential informal letter of warning in which it stated that they were affording Respondent the opportunity to address the Board's concerns and recommended that he attend a Board-approved record keeping course. The Board also informed Respondent that it would follow up at a later date to ensure compliance.
2. In April of 2001, the Board reviewed additional records from Respondent's office and discovered that Respondent had not modified his record keeping practices and that he chose not to attend a record keeping course.
3. Shortly following this second review, Respondent informed the Board that he would attend a Board-approved record keeping course, which he completed in June of 2001.
4. In September of 2001, the Board again obtained additional records and had them reviewed by Board consultants. Following this review the Consultants concluded that:
  - a. Respondent needs to be much more specific with his record keeping protocol.
  - b. There is no mention in Respondent's records of the status of each patient's dental condition or oral tissues.

- c. There is no assessment in Respondent's records of each patient's oral hygiene.
  - d. Respondent's records lack a chief complaint from the patient and treatment sequence.
  - e. Respondent's records need to be more detailed as to treatment procedures and what materials are used.
  - f. The records do not state what anesthetic was used and how much.
  - g. Respondent does not record what dental materials are used when doing fillings and root canals.
  - h. Respondent's records regarding root canal procedures are not specific enough.
  - i. Prescriptions written by Respondent are incomplete.
  - j. Respondent still shows discrepancies in following the record keeping protocol set forth in the Board's rules.
5. Consultants also concluded that a normal standard of care was not met concerning the treatment provided to patients L.H. and C.H. due to:
- a. Active dental caries were present in both patients' mouths that were not treated.
  - b. Patient L.H. had an abscessed tooth that was not diagnosed by Respondent despite complaints of the tooth bothering them for over a year and an x-ray clearly showing the lesion. Respondent crowned the tooth, which fractured shortly thereafter.

- c. Many of the patients' posterior teeth had large amalgams which were broken down at the margins or had recurrent caries present, most of which were repaired by Respondent. Respondent's repair of the teeth was generally unacceptable. The material used in most cases is patched into existing amalgam and was poorly contoured, often with rough margins below the gum line.
- d. Patients were not given treatment options nor were they informed of their dental problems.

On this 1st day of February, 2002, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
LeRoy I. Strohmman, D.D.S., Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
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